

AFFIDAVIT OF SGT. JAY WORTHINGTON

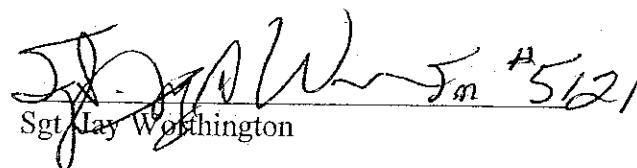
STATE OF TEXAS §
 §
COUNTY OF NUECES §

BEFORE ME, the undersigned authority, on this date personally appeared Sgt. Jay Worthington, who, after being duly identified and sworn, did depose and state under oath the following:

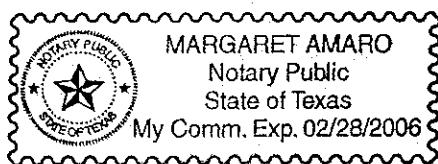
"My name is Jay Worthington. I am over eighteen years of age and fully competent in all respects to make this affidavit. The information contained in this affidavit is based on my personal knowledge, and is true and correct.

I am employed by the Nueces County Sheriff's Department. Part of my duties and responsibilities for the Sheriff's department is to oversee the maintenance of the video monitoring system for the Nueces County Jail. The video monitoring system is maintained on a twenty-four hour per day, seven days per week basis in the regular course of business for the Nueces County Jail to record events that occur in the facility. The video images are retained for a period of thirty days on a first-in, first-out basis. Upon special request, the video images are archived and compiled onto a video disk.

I was requested by Assistant Chief Deputy Pete Peralta to compile video footage from the 6/3/04 through 6/4/04 stay of Eric Gonzales (SID# 10080713) at the Nueces County Jail. These images are stored under the internal affairs identification number of IA040037. I prepared the attached Digital Datacatch video disk, which contains a compilation of video images taken of Eric Gonzales on 6/3/04 and 6/4/05. These video images were recorded in the normal course of business for the Nueces County Sheriff's Department. The images have not been altered in any way, and are true and correct depictions of the events portrayed therein."


Sgt. Jay Worthington

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public for the State of Texas, on this the 12th day of September, 2005.



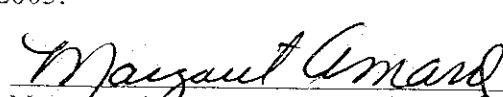

Margaret Amaro
Notary Public
State of Texas

EXHIBIT "B"

Nueces County Sheriff's Department
Digital DataCatch Video Disk
IA040037

Eric Gonzales (SID# 10080713)

